

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW HAMPSHIRE

John R. Crooker

v.

Civil No. 05-cv-008-JD

Anheuser-Busch, Inc.

PROCEDURAL ORDER

John R. Crooker brought suit against his former employer, Anheuser-Busch, Inc. ("A-B"), alleging that he was entitled to benefits under a severance agreement. He brought claims that A-B denied him benefits in violation of the Employee Retirement Income Security Act ("ERISA"), that A-B violated public policy to the extent it required him to return to work following his injury in order to qualify for the disputed benefits, and that he should be allowed to return to work to satisfy that requirement if it were legally imposed on him. On February 21, 2006, the parties' filed a joint motion to stay the case, pending remand for administrative review of Crooker's claims for benefits. The joint motion was granted on February 22, 2006.

When the case was stayed, Crooker's motion to amend the ERISA administrative record was pending, without response from A-B. The parties represented in their joint motion for a stay that Crooker's request for discovery was withdrawn. Because the administrative record will be augmented following the current

administrative proceedings, the pending motion no longer relates to the record that will be filed when, and if, this litigation is resumed. Therefore, the motion to amend is terminated without prejudice. See LR 83.10. In addition, it appears to be appropriate to administratively close this case, pending resolution of the administrative proceedings. The case may be reopened upon the motion of either party at any time before a final judgment is entered.

Conclusion

For the foregoing reasons, the plaintiff's motion to amend the record (document no. 41) is terminated without prejudice. The case is administratively closed, pending resolution of the administrative proceedings.

SO ORDERED.

  
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Joseph A. DiClerico, Jr.  
United States District Judge

March 13, 2006

cc: David A. Garfunkel, Esquire  
Andrea K. Johnstone, Esquire  
Paul B. Kleinman, Esquire  
Shenanne Ruth Tucker, Esquire